IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 24049 of 2007(K)

OS.324/2003 of ADDL. DISTRICT COURT, PARAVUR
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PETITIONER:

VARGHESE, AGED 36, S/O.LATE THOMAS,
CHERIYAKATETH HOUSE, ELOOR.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS:

SHEELA JOHN, AGED 26, LATE THOMAS,
CHERIYAKATTETH HOUSE, ELOOR.

BY ADV. SRI.V.S.CHANDRASEKHARAN
SMT.LEKSHMI SWAMINATHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.24049/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPEAL MEMORANDUM WITHOUT THE CAUSE TITLE OF THE TRIAL COURT.

EXT.P2:- COPY OF THE APPEAL MEMORANDUM AFTER CURING THE DEFECT SHOWING THE CAUSE TITLE OF THE TRIAL COURT.

EXT.P3:- COPY OF THE PETITION IA.740/2000 BEFORE TRIAL COURT.

EXT.P4:- COPY OF THE AFFIDAVIT FILED ALONG WITH THE THE IA 740/06 BEFORE TRIAL COURT.

EXT.P5:- COPY OF THE IMPUGNED ORDER IN IA. 740/06 DT. 6.10.06 OF ADDITIONAL DISTRICT COURT NORTH PARUR.

/TRUE COPY/

P.A. TO JUDGE

tss

M.N. KRISHNAN, J.

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W.P.C. NO. 24049 OF 2007

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Dated this the 29th day of November, 2007.

J U D G M E N T

This writ petition is preferred against the order of the Addl. District Judge, North Parur in I.A.740/06 in unnumbered A.S. of 2006. There was a delay of four days in re-presenting the appeal. The appellate judge was not satisfied in the manner in which it was represented. Certainly he should have shown better mercy on the appellant rather than to dismiss it out on a technical ground when the delay occasioned is only four days. Therefore, I set aside the order passed by the learned Addl. District Judge, direct him to condone the delay, take the appeal to file and if there are any mistakes it may be ordered to be rectified.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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